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BUTZEL LONG
350 SOUTH MAIN STREET
SUITE 300
ANN ARBOR MI 48104

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OFFICE OF PETITIONS

In re Application of
Yoshizawa, et al.

Application No. 10/635,042

Filed: August 5, 2003

Attorney Docket No. 121056-0042

For: CHANNEL SELECTORY VALUE &
METHOD OF DRIVING THE SAME,
COMPRESSOR WITH THE CHANNEL
SELECTOR VALVE, & DEVICE FOR
CONTROLLING REFRIGERATING
CYCLE

DECISION GRANTING
PETITION

This is a decision on the reconsideration petition under 37 CFR 1.53(e), filed February 18, 2004 (certificate of mailing date February 13, 2004), requesting that page 42 of the specification be accorded a filing date of August 5, 2003.

The petition under 37 CFR 1.53(e) is **GRANTED**.

The application was filed on August 5, 2003. On November 3, 2003, the Office of Initial Patent Examination mailed a Notice informing petitioners, *inter alia*, that page 182 of the specification appeared to have been omitted.

A review of the specification filed on August 5, 2003 reveals that page 182 is present. The page that is missing is page 42. Petitioners filed a petition on November 14, 2003 (certificate of mailing date November 11, 2003) requesting that the missing page of specification be accorded a filing date of August 5, 2003. Petitioners provided a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing August 5, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 284 pages of specification. A review of the application file reveals that 283 pages are present. Page 42 is missing.

The return postcard constitutes *prima facie* evidence that 284 pages of specification, including page 42, were filed on August 5, 2003. MPEP 503.

However, petitioners supplied a copy of page 182, as was required by the November 3, 2003 Notice, with the November 14, 2003 (certificate of mailing date November 11, 2003) petition. The November 14, 2003 (certificate of mailing date November 11, 2003) petition was dismissed on February 5, 2004 because further processing could not take place without a copy of page 42.

Petitioners promptly filed the instant reconsideration petition and submitted a copy of page 42.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of August 5, 2003, using the copy of page 42 supplied with the instant reconsideration petition.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.



E. Shirene Willis
Senior Petitions Attorney
Office of Petitions